

## **EXHIBIT H**

**Shin vs YSE**

***Shin vs YSE***

***4/15/2019***

**Condensed Transcript**

**Prepared by:**

Robert Cirillo  
Robert Cirillo, Inc.

Friday, April 26, 2019

Deposition of Young Ku Lee

<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK</p> <p>2 -----X EDWARD SHIN,</p> <p>3 Plaintiff,</p> <p>4 Index No: 1:17-cv-05183 (LG) (SMG) -against-</p> <p>5 YSE ENTERPRISES, INC., MICHAEL S. WANG, 6 VICTORIA WANG as TRUSTEE OF THE RICHARDSON 7 IRREVOCABLE TRUST, TERRANCE WU, DEH-JUNG 8 DEBORAH WANG, and YOUNG K. LEE,</p> <p>9 Defendants.</p> <p>10 -----X</p> <p>11 April 15 2019 11:15 A.M.</p> <p>12 199 Water Street 13 New York, New York</p> <p>14 EXAMINATION BEFORE TRIAL of the 15 Defendant YOUNG KU LEE, taken by 16 Plaintiff, pursuant to Order, before 17 Christine Cutrone, a Notary Public for and 18 within the State of New York.</p> <p>19 20 ROBERT CIRILLO, INC. 21 CERTIFIED COURT REPORTERS 22 135 EAST CEDAR STREET 23 LIVINGSTON, NEW JERSEY 07039 24 973-740-1331 25 cirillo.robert@gmail.com</p>	<p style="text-align: right;">Page 3</p> <p>1 2 IT IS HEREBY STIPULATED AND AGREED by 3 and between the attorneys for the 4 respective parties herein, that filing and 5 sealing be and the same are hereby waived. 6 IT IS FURTHER STIPULATED AND AGREED 7 that all objections, except as to the form 8 of the question, shall be reserved to the 9 time of the trial. 10 IT IS FURTHER STIPULATED AND AGREED 11 that the within deposition may be sworn to 12 and signed before any officer authorized 13 to administer an oath, with the same force 14 and effect as if signed and sworn to 15 before the Court. 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S : 2 3 THE BASIL LAW GROUP, P.C. Attorneys for Plaintiff 4 1270 Broadway Suite 305 5 New York, New York 10001 6 BY: ROBERT J. BASIL ESQ.</p> <p>7 8 THE CHARTWELL LAW OFFICES, LLP Attorneys for Defendant 9 MICHAEL S. WANG, VICTORIA WANG as TRUSTEE OF THE RICHARDSON IRREVOCABLE TRUST, 10 DEH-JUNG DEBORAH WANG AND TERRENCE WU 81 Main Street 11 Suite 100 White Plains, New York 10601</p> <p>12 BY: CARMEN NICOLAOU, ESQ.</p> <p>13 14 AHMUTY, DEMERS &amp; MCMANUS, ESQ. 15 Attorneys for Defendants 200 I.U. Willets Road 16 Albertson, New York 11507 17 BY: JANICE BERKOWITZ, ESQ. OUR FILE: ORNA 167417FAC</p> <p>18 19 LONGO &amp; D'APICE, ESQS. Attorneys for Defendant 20 YOUNG K. LEE 26 Court Street 21 Suite 1700 Brooklyn, New York 11242</p> <p>22 BY: TIMOTHY M. MCCARTHY, ESQ., of Counsel</p> <p>23 24 TONY KIM (MORNING SIDE TRANSLATION) 25</p>	<p style="text-align: right;">Page 4</p> <p>1 Y. Lee 2 YOUNG KU LEE, having first 3 been duly sworn by a Notary Public, for 4 and within the State of New York, upon 5 being examined, testified as follows: 6 7 8 TONY KIM, having been first duly 9 sworn by a Notary Public within and for 10 the State of New York, translated the 11 questions from ENGLISH to KOREAN and the 12 answers from KOREAN to ENGLISH as follows: 13 14 EXAMINATION BY MR. BASIL: 15 Q. Please state your name for the 16 record. 17 A. Young Ku Lee. 18 Q. What is your present home 19 address? 20 A. 76-28 168th Street, Fresh 21 Meadows, New York 11366. 22 Q. Mr. Lee, good morning. My name 23 is Robert Basil. I'm here to take your 24 deposition in a case that's been filed by my 25 client Edward Shin against you and some other</p>

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1 Y. Lee  
 2 entities; do you understand that?  
 3 A. Yes.  
 4 Q. And as you're doing, make sure  
 5 you give all your answers in Korean. You may  
 6 understand some of the English that I'm  
 7 speaking, but all your answers should be in  
 8 Korean and responsive to the interpreter's  
 9 interpretations to my questions; do you  
 10 understand that?  
 11 A. Yes.  
 12 Q. You also understand that you are  
 13 under oath, and it's just as important that  
 14 you give truthful and accurate answers here as  
 15 it would be if you were in a court of law; do  
 16 you understand that, sir?  
 17 A. Yes.  
 18 Q. Do you have any questions for me  
 19 before we start?  
 20 A. No.  
 21 Q. You had a chance to meet with  
 22 your attorney this morning before we started;  
 23 is that correct?  
 24 A. Yes. Briefly.  
 25 Q. And Korean is your native

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1 Y. Lee  
 2 language; is that correct?  
 3 A. Yes.  
 4 Q. Do you currently have  
 5 employment?  
 6 A. Yes.  
 7 Q. Where are you employed?  
 8 A. Do you need the address?  
 9 Q. First give me the name of your  
 10 employer.  
 11 A. L-E-B-A-S-K-E-T Deli Grocery.  
 12 Q. Do you have any ownership or  
 13 interest in that business?  
 14 MR. MCCARTHY: Objection.  
 15 A. Yes.  
 16 Q. What is your ownership interest?  
 17 MR. MCCARTHY: What he owns  
 18 now is not relevant to how this  
 19 incident occurred. Should there  
 20 be a verdict you're entitled to a  
 21 subsequent deposition as to the  
 22 assets. So at this time I'm going  
 23 to object to the question.  
 24 Q. You may answer.  
 25 A. Do I need to answer?

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1 Y. Lee  
 2 Q. Yes.  
 3 MR. MCCARTHY: I'm going to  
 4 at least note my objection. This  
 5 cannot be used at the time of  
 6 trial. Any questions as to his  
 7 present ownership cannot be used.  
 8 Go ahead.  
 9 A. 50 percent.  
 10 Q. What are your responsibilities  
 11 at Lebasket?  
 12 A. I am the president.  
 13 Q. Where is Lebasket located?  
 14 A. 683 Broadway.  
 15 Q. Manhattan?  
 16 A. Yes.  
 17 Q. Before you were employed by  
 18 Lebasket, what was your previous employment?  
 19 A. 15 years ago I had another deli  
 20 at another location.  
 21 Q. Again, we're here primarily to  
 22 talk about events related to Mr. Edward Shin's  
 23 falling down some steps that occurred on  
 24 April 21st and April 22nd.  
 25 Were you present during

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1 Y. Lee  
 2 Mr. Shin's falling down the steps at a  
 3 building on Northern Boulevard in Queens on  
 4 that day?  
 5 A. Yes.  
 6 Q. Prior to today's deposition,  
 7 have you talked to anyone other than your  
 8 attorneys about the events that occurred that  
 9 evening?  
 10 A. No one besides my family. It's  
 11 embarrassing, so no one.  
 12 Q. Has anyone from the news media  
 13 attempted to contact you about the events  
 14 about that evening?  
 15 A. No.  
 16 Q. In this case we've been calling  
 17 the establishment, where you and Mr. Shin were  
 18 having some drinks and food that evening, as  
 19 YS2.  
 20 Is it okay if I call that  
 21 business YS2 for this deposition and you'll  
 22 know what I mean?  
 23 MS. NICOLAOU: Objection.  
 24 Form.  
 25 MS. BERKOWITZ: Objection to

Page 9

1 Y. Lee  
 2 form.  
 3 Q. What was the business that you  
 4 were visiting that evening on Northern  
 5 Boulevard in Queens?  
 6 A. That's not a place that I  
 7 frequent much, so I don't recall the name of  
 8 the establishment.  
 9 Q. Prior to April 21st, 2017, the  
 10 night of Mr. Shin's fall, how many times had  
 11 you been to the establishment where you had  
 12 some drinks that evening?  
 13 MS. BERKOWITZ: Objection,  
 14 form.  
 15 MS. NICOLAOU: Objection.  
 16 Q. Go ahead. You can translate.  
 17 MR. MCCARTHY: I'll object  
 18 to form too, but go ahead.  
 19 A. To my recollection, about a year  
 20 before the incident.  
 21 Q. So one year before the incident  
 22 was the last time you were in the same  
 23 establishment where you met with Mr. Shin that  
 24 evening, correct?  
 25 MR. MCCARTHY: Objection.

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1 Y. Lee  
 2 I'm not sure --  
 3 MS. NICOLAOU: Objection to  
 4 form.  
 5 MR. MCCARTHY: Objection to  
 6 form.  
 7 MS. NICOLAOU: There's no  
 8 foundation.  
 9 Q. That's fine.  
 10 A. Yes, probably so.  
 11 Q. Now, before April 21, 2017, had  
 12 you ever met Mr. Edward Shin?  
 13 A. I've seen him once.  
 14 Q. When did you see Mr. Edward Shin  
 15 before April 21 of 2017?  
 16 A. I think I've seen him at my  
 17 friend's wedding.  
 18 Q. Other than at your friend's  
 19 wedding, do you believe that you were ever in  
 20 the same location as Mr. Edward Shin before  
 21 April 21, 2017?  
 22 A. No.  
 23 Q. Did you see Mr. Shin on the  
 24 evening of April 21, 2017?  
 25 A. Can you repeat that again?

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1 Y. Lee  
 2 Q. On the evening of April 21,  
 3 2017, did you see Mr. Edward Shin?  
 4 A. I saw him at the karaoke bar and  
 5 that's it.  
 6 Q. When you saw him at the karaoke  
 7 bar, where in the karaoke bar did you first  
 8 see him?  
 9 A. When he came into our room.  
 10 Q. When Mr. Shin came into your  
 11 room as you stated, who was also in the room  
 12 at that time?  
 13 A. There were three in that room,  
 14 besides myself. There was my friend. My  
 15 friend, he recently started his own business,  
 16 so he also brought his own CPA. And there was  
 17 an employee of the bar in the room.  
 18 Q. Mr. Lee, do you know the names  
 19 of the three people in the room; and if you  
 20 do, what are those names?  
 21 A. Okay. My friend is Hong,  
 22 Mr. Hong and CPA is Mr. Park. I had no  
 23 relation with the CPA.  
 24 Q. Do you know the name of the  
 25 employee you referred to that was in the room?

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1 Y. Lee  
 2 A. No, I do not. I know he was the  
 3 employee, but I don't know his name.  
 4 Q. The employee, he was in the room  
 5 when Mr. Shin came in or was he in the room at  
 6 other times?  
 7 A. No.  
 8 Q. No meaning --  
 9 MR. MCCARTHY: Objection.  
 10 Why don't you breakup the question  
 11 perhaps or ask it a different way.  
 12 MR. BASIL: Right.  
 13 MR. MCCARTHY: There's no  
 14 question.  
 15 Q. The employee who was in the room  
 16 at the time Mr. Shin came into the room, was  
 17 that the only time that that employee was in  
 18 the room with you?  
 19 MS. NICOLAOU: Objection to  
 20 form.  
 21 A. Mr. Shin came in when the  
 22 employee was in our room.  
 23 Q. How long had you been in the  
 24 room at the time Mr. Shin entered?  
 25 A. Not much time had passed after I

<p style="text-align: right;">Page 13</p> <p>1 Y. Lee</p> <p>2 got in the room. About 20 minutes.</p> <p>3 Q. During the 20 minutes you were</p> <p>4 in the room, before Mr. Shin arrived, were</p> <p>5 alcoholic beverages served?</p> <p>6 MS. BERKOWITZ: Objection to</p> <p>7 form.</p> <p>8 A. Yes. That's why the employee</p> <p>9 was in our room.</p> <p>10 Q. During those 20 minutes, what</p> <p>11 alcoholic beverages were brought to the room</p> <p>12 by the employee?</p> <p>13 MS. NICOLAOU: Objection to</p> <p>14 form.</p> <p>15 A. Johnnie Walker Blue.</p> <p>16 Q. Was there any beer in the room</p> <p>17 during those 20 minutes?</p> <p>18 A. No. I don't drink beer.</p> <p>19 Q. Was there any food in the room</p> <p>20 during those 20 minutes?</p> <p>21 A. Yes, there was fruit.</p> <p>22 Q. Was the employee male or female</p> <p>23 that was in the room?</p> <p>24 A. It was a female (English).</p> <p>25 Q. Was it that female that brought</p>	<p style="text-align: right;">Page 15</p> <p>1 Y. Lee</p> <p>2 that came into that room for any purpose?</p> <p>3 A. I cannot remember.</p> <p>4 Q. Once Mr. Shin came into the</p> <p>5 room, did any employees other than the woman</p> <p>6 you referred to, come into the room that</p> <p>7 evening?</p> <p>8 A. I cannot recall who else came</p> <p>9 into our room.</p> <p>10 Q. To your knowledge, did anyone</p> <p>11 invite Mr. Shin into your room?</p> <p>12 A. The CPA that was with us, when</p> <p>13 he went to the bathroom, you know, he met with</p> <p>14 Mr. Shin, and he went to introduce us. So</p> <p>15 that's why he brought -- I was told that the</p> <p>16 CPA brought Mr. Shin in our room.</p> <p>17 Q. Once Mr. Shin came into the</p> <p>18 room, were additional drinks ordered?</p> <p>19 MS. BERKOWITZ: Objection to</p> <p>20 form.</p> <p>21 Q. You can answer.</p> <p>22 MR. MCCARTHY: Objection to</p> <p>23 form, if you understand.</p> <p>24 (The record is read back by</p> <p>25 the reporter.)</p>
<p style="text-align: right;">Page 14</p> <p>1 Y. Lee</p> <p>2 the Johnnie Walker Blue into the room?</p> <p>3 A. I can't recall who brought</p> <p>4 liquor into the room.</p> <p>5 Q. Did the female pour liquor into</p> <p>6 the shot glass or the drinking glasses during</p> <p>7 those 20 minutes?</p> <p>8 A. No. I poured the drink for my</p> <p>9 guests, my friends.</p> <p>10 Q. Who ordered the Johnnie Walker</p> <p>11 Blue?</p> <p>12 A. Mr. Hong.</p> <p>13 Q. Did Mr. Hong order the Johnnie</p> <p>14 Walker Blue while he was in the room or while</p> <p>15 he was outside of the room.</p> <p>16 A. Mr. Hong ordered the drink while</p> <p>17 he was in the room before Mr. Shin came in.</p> <p>18 Q. Did he give that order to the</p> <p>19 female employee that you referred to or</p> <p>20 somebody else?</p> <p>21 A. It's Mr. Hong that ordered the</p> <p>22 drinks, so I don't recall who he, you know,</p> <p>23 ordered for.</p> <p>24 Q. During those 20 minutes, were</p> <p>25 there any other employees of the karaoke bar</p>	<p style="text-align: right;">Page 16</p> <p>1 Y. Lee</p> <p>2 A. I didn't order it, but Mr. Shin</p> <p>3 finished the entire bottle. And to my</p> <p>4 knowledge, it's Mr. Shin that placed</p> <p>5 additional order.</p> <p>6 Q. When you say Mr. Shin drank the</p> <p>7 rest of the bottle, are you referring to the</p> <p>8 Johnnie Walker Blue bottle that you had</p> <p>9 mentioned earlier?</p> <p>10 A. Yes, that's correct.</p> <p>11 Q. Before Mr. Shin got into the</p> <p>12 room, how much of that Johnnie Walker Blue was</p> <p>13 consumed by people in the room?</p> <p>14 A. Not much. We drank in a small</p> <p>15 cup or so. It wasn't much.</p> <p>16 Q. Do you recall how much you had</p> <p>17 drank of the Johnnie Walker Blue before</p> <p>18 Mr. Shin entered the room?</p> <p>19 A. One small cup.</p> <p>20 Q. Do you have any estimate about</p> <p>21 how many ounces of the Johnnie Walker Blue you</p> <p>22 drank before Mr. Shin entered the room?</p> <p>23 A. Two or three hours. I don't</p> <p>24 know how much ounces. Small cup. I don't</p> <p>25 know how many (English).</p>

<p style="text-align: right;">Page 17</p> <p>1 Y. Lee</p> <p>2 MS. NICOLAOU: You have to</p> <p>3 speak your language, I'm sorry.</p> <p>4 MR. MCCARTHY: You have to</p> <p>5 speak in Korean.</p> <p>6 A. It's a very small cup, so I</p> <p>7 don't know exactly how many ounces I had.</p> <p>8 Q. Before you got to the karaoke</p> <p>9 bar, had you consumed any alcoholic beverages</p> <p>10 that day or evening?</p> <p>11 A. Okay. Before we went to the</p> <p>12 karaoke bar, we had our meal at the</p> <p>13 restaurant. And at that restaurant I had one</p> <p>14 cup of beer.</p> <p>15 Q. So when Mr. Shin came into the</p> <p>16 room, is it your recollection that you were</p> <p>17 sober at the time?</p> <p>18 A. Yes.</p> <p>19 Q. Now, at any time during that</p> <p>20 evening before Mr. Shin fell down the steps,</p> <p>21 were you no longer sober in your mind?</p> <p>22 A. I was sober. I was -- my mind</p> <p>23 was clear. I was sober.</p> <p>24 Q. So at the time Mr. Shin fell</p> <p>25 down the steps, your testimony is that you</p>	<p style="text-align: right;">Page 19</p> <p>1 Y. Lee</p> <p>2 about an hour or two just to be with my</p> <p>3 friends. You know, just accompany my friends,</p> <p>4 but I don't drink much.</p> <p>5 Q. So that evening with Mr. Shin,</p> <p>6 did you drink any Johnnie Walker Blue while</p> <p>7 Mr. Shin was in the room?</p> <p>8 A. I think I had one shot.</p> <p>9 Q. Did Mr. Hong have any drinks</p> <p>10 while Mr. Shin was in the room?</p> <p>11 A. Yes, he did.</p> <p>12 Q. Can you estimate how many drinks</p> <p>13 Mr. Hong had while Mr. Shin was in the room?</p> <p>14 A. I think he had two or three</p> <p>15 shots.</p> <p>16 Q. Did Mr. Park have any drinks</p> <p>17 while Mr. Shin was in the room?</p> <p>18 A. I don't think he drank much</p> <p>19 either.</p> <p>20 Q. How many drinks did Mr. Shin</p> <p>21 have while you were in the room with him that</p> <p>22 evening?</p> <p>23 A. You could say he drank a lot.</p> <p>24 You could say he finished the rest of the</p> <p>25 drink.</p>
<p style="text-align: right;">Page 18</p> <p>1 Y. Lee</p> <p>2 were sober at that moment; is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. After Mr. Shin came into the</p> <p>5 room, did you talk to Mr. Shin?</p> <p>6 A. No. I just shook hands and, you</p> <p>7 know, we -- the people in the room just shook</p> <p>8 hands and meet Mr. Shin and that was it.</p> <p>9 Q. How long were you in the same</p> <p>10 room as Mr. Shin at the karaoke bar?</p> <p>11 A. About an hour to my knowledge.</p> <p>12 Q. Did you observe Mr. Shin</p> <p>13 drinking alcohol during that hour?</p> <p>14 A. Yes.</p> <p>15 Q. From your observation, was</p> <p>16 Mr. Shin sober during the time that you were</p> <p>17 in the room with him that evening?</p> <p>18 A. When he came into the room, he</p> <p>19 was a little intoxicated.</p> <p>20 Q. While Mr. Shin was in the room</p> <p>21 with you that evening, did you consume</p> <p>22 alcoholic beverages during that period of</p> <p>23 time?</p> <p>24 A. I don't drink much. If I drink</p> <p>25 one cup of drink, I just stay in the room</p>	<p style="text-align: right;">Page 20</p> <p>1 Y. Lee</p> <p>2 Q. During the time when Mr. Shin</p> <p>3 was in the room, were there any employees who</p> <p>4 came in and poured drinks for either Mr. Shin</p> <p>5 or for any of the other people in the room?</p> <p>6 A. I cannot recall. Usually I pour</p> <p>7 the drink myself, but I don't recall.</p> <p>8 Q. Were there any female guests in</p> <p>9 the room during the period when Mr. Shin was</p> <p>10 in the room?</p> <p>11 A. No.</p> <p>12 Q. During the time Mr. Shin was in</p> <p>13 the room, did you hear any arguments between</p> <p>14 Mr. Shin and anyone else that was in the room?</p> <p>15 A. Well, after Mr. Shin was drunk</p> <p>16 and he start hitting people and pulling their</p> <p>17 hair in the room, now the people that were in</p> <p>18 the room were nice people. So they were just</p> <p>19 telling Mr. Shin to, you know, back off.</p> <p>20 Q. Did Mr. Shin hit you?</p> <p>21 A. No.</p> <p>22 Q. Did Mr. Shin pull your hair?</p> <p>23 A. No, I was a distance away</p> <p>24 (Korean). So I was away like this (English).</p> <p>25 Q. Korean please.</p>



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1 Y. Lee

2 A. He could not reach me. I was a

3 distance.

4 Q. While you were in the room with

5 Mr. Shin, did Mr. Shin insult you?

6 A. Not to me.

7 Q. When you were in the room with

8 Mr. Shin, did Mr. Shin discuss your businesses

9 with you?

10 (The record is read back by

11 the reporter.)

12 MR. MCCARTHY: Objection to

13 form.

14 A. He told me that he founded

15 money. You should come and see me, because he

16 would be able to loan me money.

17 Q. Did you express any interest in

18 obtaining a loan from Mr. Shin or his bank?

19 MR. MCCARTHY: While in the

20 room?

21 MR. BASIL: While in the

22 room, yes.

23 A. Well, he sounded like he can

24 really help me out with getting a loan if I

25 were to come to him. Then he sounded like he

Page 22

1 Y. Lee

2 was really going to help me get the loan.

3 Q. Do you remember if you said

4 anything to Mr. Shin in the room about whether

5 you were interested or not interested in

6 getting a loan?

7 A. No, I did not.

8 Q. Other than that discussion that

9 you just mentioned, do you remember any other

10 discussions between you and Mr. Shin while you

11 were in the room that evening?

12 A. No.

13 Q. I want to show you what's been

14 marked in other depositions as Defendant's

15 Exhibit C. And just take a look at that and

16 let me know when you're ready to answer some

17 questions.

18 MR. MCCARTHY: Take your

19 time and read it to yourself.

20 MS. NICOLAOU: Could you

21 just read the date of that

22 exhibit?

23 MR. MCCARTHY: The exhibit

24 was marked February 1st, 2019.

25 Exhibit C.

Page 23

1 Y. Lee

2 THE WITNESS: Yes, he's

3 ready.

4 Q. This has been identified by

5 other witnesses as a receipt that was

6 generated from purchases at the room that you

7 and Mr. Shin were in. I just have a few

8 questions.

9 MS. BERKOWITZ: I'm going to

10 object to that introductory

11 statement.

12 Q. On line two it says black, two

13 bottles, \$200.

14 MR. MCCARTHY: It says blue.

15 MS. BERKOWITZ: I think

16 you're on the wrong one, Bob.

17 Q. Okay. As you see on line one

18 and two it states Johnnie Walker Blue, two

19 bottles.

20 Do you recall if there were two

21 bottles purchased for the room you were in on

22 April 21, 2017?

23 MS. BERKOWITZ: Objection to

24 form.

25 A. Yes.

Page 24

1 Y. Lee

2 Q. Do you know who paid the \$900

3 for the Johnnie Walker Blue that's reflected

4 on Defendant's Exhibit C?

5 A. I didn't see who paid.

6 Q. Did you pay the \$900 reflected

7 on Exhibit C?

8 A. No.

9 Q. Did you pay the \$400 room charge

10 that is reflected on Exhibit C?

11 A. No.

12 Q. Did you pay for the fruit

13 plater, the meatballs or the chicken that is

14 referred to on Exhibit C?

15 A. No, I haven't paid any of those.

16 Q. In the upper-right hand corner

17 it looks like it says 10-00 or 10 o'clock. Do

18 you see that?

19 A. Yeah.

20 Q. And underneath there is some

21 writing. Do you understand that writing?

22 A. Yeah.

23 Q. What does that writing say?

24 A. Someone's name.

25 Q. Can you tell if it's a man's



<p style="text-align: right;">Page 25</p> <p>1 Y. Lee</p> <p>2 name or a woman's name?</p> <p>3 A. Male's name.</p> <p>4 Q. The male's name, that's either</p> <p>5 Mr. Hong, Mr. Park, Mr. Shin or yourself?</p> <p>6 A. It's looks like the name of the</p> <p>7 CPA.</p> <p>8 MR. MCCARTHY: Make sure</p> <p>9 until he waits until you</p> <p>10 translate.</p> <p>11 MR. BASIL: Let's go to the</p> <p>12 video. We're now going to show</p> <p>13 the witness nonstop what we've</p> <p>14 marked previously as Exhibit 1 on</p> <p>15 March 15th, 2019.</p> <p>16 Q. So at this point there's no</p> <p>17 question pending, but I want you to look at</p> <p>18 the video and then we'll backup and ask some</p> <p>19 questions.</p> <p>20 (Playing video.)</p> <p>21 Q. Mr. Lee, you've just had an</p> <p>22 opportunity to review what's been marked as</p> <p>23 Exhibit 1.</p> <p>24 Had you ever seen that video</p> <p>25 before?</p>	<p style="text-align: right;">Page 27</p> <p>1 Y. Lee</p> <p>2 form to the extent that he knows.</p> <p>3 A. Okay. On the way out, Mr. Shin</p> <p>4 was cursing at me and he was yelling at me.</p> <p>5 So that's why I went to him after I came out</p> <p>6 of the bathroom.</p> <p>7 Q. Did the people in the room where</p> <p>8 the Johnnie Walker Blue had been delivered</p> <p>9 leave at the same time?</p> <p>10 A. No.</p> <p>11 Q. Who left first?</p> <p>12 A. Mr. Shin left the room. And</p> <p>13 after that, I went out of the room to go to</p> <p>14 the restroom.</p> <p>15 Q. Did Mr. Park or Mr. Hong also</p> <p>16 leave the room at or about that time?</p> <p>17 A. No.</p> <p>18 Q. After you went to the men's</p> <p>19 room, did you come back to the room?</p> <p>20 A. Yes, I came back to the room.</p> <p>21 Q. At that point was Mr. Shin gone?</p> <p>22 A. Right.</p> <p>23 Q. At that point there were three</p> <p>24 of you left in the room; is that correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 26</p> <p>1 Y. Lee</p> <p>2 A. Yeah. Well, I saw the video</p> <p>3 that was sent over to my cell phone.</p> <p>4 Q. Okay. Do you recognize the</p> <p>5 individuals in that video?</p> <p>6 A. Okay. I know that one person is</p> <p>7 Mr. Shin's friend and another person is the</p> <p>8 employee of the bank where Mr. Shin works.</p> <p>9 Q. Do you know the name of</p> <p>10 Mr. Shin's friend that appears in the video?</p> <p>11 A. I don't know his name, but I</p> <p>12 understand that he owns a restaurant</p> <p>13 downstairs.</p> <p>14 Q. Do you know the name of the</p> <p>15 employee that you referred to who appears in</p> <p>16 the video?</p> <p>17 MS. BERKOWITZ: Shin's</p> <p>18 employee?</p> <p>19 MR. BASIL: Yes.</p> <p>20 A. I do not know.</p> <p>21 Q. Tell me how the people in that</p> <p>22 video all came to be standing at that top of</p> <p>23 the stairs at that moment when the video</p> <p>24 begins?</p> <p>25 MR. BASIL: Objection to</p>	<p style="text-align: right;">Page 28</p> <p>1 Y. Lee</p> <p>2 Q. How much longer did the three of</p> <p>3 you stay in the room after Mr. Shin left?</p> <p>4 A. About 20 to 30 minutes.</p> <p>5 Q. During that 20 to 30 minutes,</p> <p>6 was any additional alcoholic beverages brought</p> <p>7 to the room?</p> <p>8 A. No.</p> <p>9 Q. During that 20 to 30 minutes</p> <p>10 after Mr. Shin left, was any alcoholic</p> <p>11 beverage that was already in the room</p> <p>12 consumed?</p> <p>13 A. Okay. I don't recall. I can't</p> <p>14 remember whether they drank additional liquor</p> <p>15 or not.</p> <p>16 Q. Did you consume any liquor after</p> <p>17 Mr. Shin left the room?</p> <p>18 A. No. To my knowledge -- to my</p> <p>19 recollection, I don't think I have anymore</p> <p>20 drink.</p> <p>21 Q. So starting when you arrived at</p> <p>22 the karaoke bar that evening, and the time</p> <p>23 that you appear on the video at the top of the</p> <p>24 stairs, can you estimate how much alcoholic</p> <p>25 beverages you consumed that evening?</p>

<p style="text-align: right;">Page 29</p> <p>1 Y. Lee</p> <p>2 MS. BERKOWITZ: Objection.</p> <p>3 Asked and answered.</p> <p>4 MR. MCCARTHY: Also object.</p> <p>5 Asked and answered.</p> <p>6 A. Two or three shots. Just small</p> <p>7 glass.</p> <p>8 Q. Now, you mentioned earlier that</p> <p>9 Mr. Shin was cursing and yelling at you.</p> <p>10 Do you remember any of the words</p> <p>11 that he said?</p> <p>12 A. No. Not to me, but he was</p> <p>13 rather yelling and cursing at the people that</p> <p>14 were the other people in the room.</p> <p>15 Q. Now, after Mr. Shin had left the</p> <p>16 room and you stayed for another 20 or 30</p> <p>17 minutes in that room, at that point did you</p> <p>18 decide to leave the premises and go home?</p> <p>19 A. No.</p> <p>20 Q. After that 20 to 30 minutes</p> <p>21 after Mr. Shin left the room, what did you do</p> <p>22 next?</p> <p>23 THE INTERPRETER: I'm sorry.</p> <p>24 After 20, 30 minutes?</p> <p>25 MR. BASIL: Right. After</p>	<p style="text-align: right;">Page 31</p> <p>1 Y. Lee</p> <p>2 Q. Why were you standing at the top</p> <p>3 of the stairs at the time reflected in the</p> <p>4 video marked as Exhibit 1?</p> <p>5 A. Okay.</p> <p>6 THE INTERPRETER: Can I?</p> <p>7 MR. BASIL: Please.</p> <p>8 (Retranslated.)</p> <p>9 A. I went out there because</p> <p>10 Mr. Shin was cursing and yelling, and also the</p> <p>11 owner was also yelling. So I went out to see</p> <p>12 what's going on.</p> <p>13 Q. When you went out to the</p> <p>14 landing, as shown in Exhibit 1, the video, am</p> <p>15 I correct that you were not intending to leave</p> <p>16 the building at that time?</p> <p>17 A. Right.</p> <p>18 Q. Do you remember any of the words</p> <p>19 that were said at the top of the stairs at the</p> <p>20 time when the video captured what was ever</p> <p>21 going on there?</p> <p>22 A. He was cursing me out. He was</p> <p>23 cursing. He was sticking the middle finger</p> <p>24 up.</p> <p>25 Q. Did Mr. Shin tell you why he was</p>
<p style="text-align: right;">Page 30</p> <p>1 Y. Lee</p> <p>2 Mr. Shin left the room, he was in</p> <p>3 the room for another 20, 30</p> <p>4 minutes, what did he do next?</p> <p>5 MR. MCCARTHY: Objection to</p> <p>6 form. I don't understand. You're</p> <p>7 talking about the 20, 30 minutes</p> <p>8 or after the 20, 30 minutes?</p> <p>9 MR. BASIL: I'll rephrase</p> <p>10 it.</p> <p>11 Q. After Mr. Shin left the room,</p> <p>12 and then you returned and stayed for 20 or 30</p> <p>13 minutes, what did you do next?</p> <p>14 MR. MCCARTHY: Objection to</p> <p>15 form. But if you think you</p> <p>16 understand.</p> <p>17 A. I was just sitting. We were</p> <p>18 just sitting to my knowledge -- to my</p> <p>19 recollection.</p> <p>20 Q. When did you leave the room for</p> <p>21 the last time?</p> <p>22 A. When the police came and</p> <p>23 arrested me is when I left the room. And I</p> <p>24 asked the police for why or what charge am I</p> <p>25 being arrest for.</p>	<p style="text-align: right;">Page 32</p> <p>1 Y. Lee</p> <p>2 cursing you out and sticking his middle finger</p> <p>3 up?</p> <p>4 A. I do not know.</p> <p>5 Q. When Mr. Shin was cursing you</p> <p>6 out and sticking his finger up, did you get</p> <p>7 angry?</p> <p>8 A. I was upset, but I was not</p> <p>9 enraged.</p> <p>10 Q. Did you ever, during the course</p> <p>11 of that evening, intend to hurt Mr. Shin?</p> <p>12 A. No.</p> <p>13 Q. Did you ever intend to kick</p> <p>14 Mr. Shin during the course of that evening?</p> <p>15 A. No.</p> <p>16 Q. From your vantage point, can you</p> <p>17 tell why Mr. Shin fell down the stairs as</p> <p>18 reflected in that video?</p> <p>19 MS. NICOLAOU: Objection to</p> <p>20 form.</p> <p>21 A. From my opinion and also from</p> <p>22 the other employees -- from the other people</p> <p>23 that were there, from our perspectives, I</p> <p>24 think Mr. Shin was kind of leaning toward and</p> <p>25 he wasn't standing straight. He was</p>

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1 Y. Lee  
 2 unbalanced and misstepped. He tripped and  
 3 then he fell. Now, on that same spot, someone  
 4 that I know also had fallen from the same  
 5 spot. So I think he misstepped.  
 6 Q. The other person that you're  
 7 aware of that fell, was that before Mr. Shin  
 8 fell or after Mr. Shin fell?  
 9 A. Several months before.  
 10 Q. Were you present when that other  
 11 person fell?  
 12 A. No. I was told that, you know,  
 13 that person had fallen. The person that fell  
 14 is the husband of my business partner.  
 15 MR. MCCARTHY: Could you  
 16 tell him to just answer the  
 17 questions. If the question is,  
 18 were you present at the time of  
 19 the incident, yes or no, you were  
 20 present. You don't have to go  
 21 into who fell. Could you tell him  
 22 that?  
 23 THE WITNESS: I understand.  
 24 Q. What is the name of the person  
 25 who fell?

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1 Y. Lee  
 2 MR. MCCARTHY: You're  
 3 talking about the prior case?  
 4 MR. BASIL: Correct.  
 5 A. C-H-A-S-U-N-G, that's the first  
 6 name. And the last name is I-M.  
 7 Q. Do you know if Mr. Im was  
 8 injured on that occasion?  
 9 A. Yes.  
 10 Q. Do you know the extent of  
 11 Mr. Im's injuries on that occasion?  
 12 A. Yes, he was injured quite bad.  
 13 Q. Do you know if Mr. Im retained  
 14 an attorney to address the injuries that he  
 15 had received?  
 16 A. No, he did not.  
 17 Q. Do you know if Mr. Im received  
 18 any compensation for his injuries?  
 19 A. From what I know he got -- he  
 20 had insurance. He used his own insurance,  
 21 because he acknowledged that it was his own  
 22 fault.  
 23 Q. Immediately after Mr. Shin fell  
 24 down the stairs, what did you do next?  
 25 A. I just went into my room. I

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1 Y. Lee  
 2 didn't think anything of it. So I went into  
 3 my room.  
 4 Q. Eventually, as you testified,  
 5 the police came to talk to you about the  
 6 incident, correct?  
 7 A. Yes.  
 8 Q. What did you say to the  
 9 policeman?  
 10 A. When the police tried to arrest  
 11 me, I told him I am not the person that was  
 12 fighting.  
 13 Q. Did you tell the police that you  
 14 believed this incident was an accident?  
 15 MR. MCCARTHY: This is at  
 16 the scene?  
 17 MR. BASIL: This is while he  
 18 is talking to the police at the  
 19 scene, correct.  
 20 A. No, I didn't tell him that.  
 21 Q. Did you believe at the time that  
 22 you were talking to the police that Mr. Shin's  
 23 fall was an accident?  
 24 A. I didn't tell him that. I just  
 25 told the police that I was not the person that

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1 Y. Lee  
 2 was fighting.  
 3 MR. BASIL: Let me take a  
 4 couple of minutes. Take five  
 5 minutes.  
 6 MR. MCCARTHY: Sure.  
 7 (Whereupon a short break was  
 8 taken.)  
 9 (Resuming)  
 10 Q. After you spoke to the police  
 11 that evening, did you have further  
 12 conversations with either the police or  
 13 district attorney's office about this  
 14 incident?  
 15 A. No.  
 16 MR. BASIL: I don't have  
 17 anymore questions for you today.  
 18 I appreciate it.  
 19 THE WITNESS: Thank you.  
 20 MR. MCCARTHY: But now you  
 21 got these two.  
 22 EXAMINATION BY MS. BERKOWITZ:  
 23 Q. Good afternoon. My name is  
 24 Janice Berkowitz. I'm the attorney for the  
 25 karaoke bar.

<p style="text-align: right;">Page 37</p> <p>1 Y. Lee</p> <p>2 When you went out to dinner,</p> <p>3 before you went to the karaoke bar, who did</p> <p>4 you go with?</p> <p>5 A. There were about 20 people and</p> <p>6 Mr. Hong was also there.</p> <p>7 Q. What restaurant was that?</p> <p>8 A. Kum Kang San.</p> <p>9 Q. Where is that restaurant</p> <p>10 located?</p> <p>11 A. In Flushing.</p> <p>12 Q. What did you eat at that meal?</p> <p>13 A. The barbecue.</p> <p>14 Q. What barbecue? Tell me what you</p> <p>15 ate?</p> <p>16 A. The rib.</p> <p>17 Q. And anything else with ribs?</p> <p>18 A. Mostly barbecue.</p> <p>19 Q. What time was that?</p> <p>20 A. In my recollection we were there</p> <p>21 from seven till nine.</p> <p>22 Q. And you said you had one cup of</p> <p>23 beer; is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. What kind of beer was that?</p>	<p style="text-align: right;">Page 39</p> <p>1 Y. Lee</p> <p>2 Q. Where did Mr. Hong go? Did</p> <p>3 Mr. Hong go into a room?</p> <p>4 A. Well, we went to the karaoke</p> <p>5 bar. The employee led us to a room.</p> <p>6 Q. What employee led you to a room?</p> <p>7 A. I don't recall who exactly.</p> <p>8 Q. Was it a manager or server or</p> <p>9 you don't remember?</p> <p>10 A. I think it was a manager.</p> <p>11 Q. Do you know the manager's name?</p> <p>12 A. No.</p> <p>13 Q. When you got to the room, was</p> <p>14 Mr. Park already in there, the CPA?</p> <p>15 A. Oh, he went with us from the</p> <p>16 restaurant.</p> <p>17 Q. He was at the restaurant too?</p> <p>18 A. Yes.</p> <p>19 Q. Now, when the server brought in</p> <p>20 the first bottle of Johnnie Walker Blue, what</p> <p>21 did that server do?</p> <p>22 A. The employee asked us if you</p> <p>23 want to have appetizer snack and we asked for</p> <p>24 the fruit.</p> <p>25 Q. You said that Mr. Hong ordered</p>
<p style="text-align: right;">Page 38</p> <p>1 Y. Lee</p> <p>2 A. I don't recall what brand.</p> <p>3 Q. What size cup?</p> <p>4 A. (Indicating). It's a cup that</p> <p>5 is about ten ounce.</p> <p>6 Q. And what's your height?</p> <p>7 A. 174 centimeters.</p> <p>8 Q. What was your weight at the</p> <p>9 time?</p> <p>10 A. 175 pounds.</p> <p>11 Q. And then after the meal, did you</p> <p>12 go straight to the karaoke bar with Mr. Hong?</p> <p>13 A. Yes.</p> <p>14 Q. How did you get there?</p> <p>15 A. Okay. I think Mr. Hong drove</p> <p>16 his car, because I went with Mr. Hong.</p> <p>17 Q. What time did you arrive at the</p> <p>18 karaoke place?</p> <p>19 A. Okay. I left the restaurant</p> <p>20 around 9 o'clock. So I must have gotten there</p> <p>21 9:20 or 9:30.</p> <p>22 Q. When you got there, did anyone</p> <p>23 from the karaoke bar greet you?</p> <p>24 A. No, no one. I just followed Mr.</p> <p>25 Hong.</p>	<p style="text-align: right;">Page 40</p> <p>1 Y. Lee</p> <p>2 the Johnnie Walker Blue?</p> <p>3 A. I think so.</p> <p>4 Q. Then when the server came back</p> <p>5 with the bottle, what did he serve it in?</p> <p>6 A. The employer also brought the</p> <p>7 ice and the coke and just placed it and then</p> <p>8 he left.</p> <p>9 Q. Placed it where?</p> <p>10 A. On the table.</p> <p>11 MR. MCCARTHY: Wait for the</p> <p>12 Korean and speak in Korean.</p> <p>13 Q. How long was the server in the</p> <p>14 room?</p> <p>15 MR. MCCARTHY: This is when</p> <p>16 they brought the --</p> <p>17 MS. BERKOWITZ: The first</p> <p>18 bottle.</p> <p>19 A. Can you just repeat the</p> <p>20 question?</p> <p>21 MR. MCCARTHY: Read it back.</p> <p>22 (The record is read back by</p> <p>23 the reporter.)</p> <p>24 Q. When the server brought the</p> <p>25 first bottle.</p>

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1 Y. Lee

2 A. After he placed -- the employee

3 placed -- the server placed the bottle and he

4 just left.

5 Q. As you sit here today, do you

6 know who paid for the \$900 for the two bottles

7 of blue?

8 A. I do not know.

9 Q. When you were in the room, did

10 you have any fruit to eat?

11 A. Yes. The fruit was also brought

12 in by the server along with the drink.

13 Q. What about any meatballs or

14 chicken, did you have any meatballs or

15 chicken?

16 A. I think I've seen it, but I

17 didn't eat it.

18 Q. Now, before you told us that in

19 the video one of the people that you

20 recognized was the owner of the restaurant.

21 Do you know that person's name?

22 A. No, I do not know.

23 Q. You're not talking about the

24 owner of the karaoke bar, correct?

25 A. Yeah, I know.

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1 Y. Lee

2 Q. So it's a different person?

3 A. Different.

4 Q. When you told us earlier that

5 Shin was cursing and yelling and that the

6 owner was also yelling, was that also the

7 owner of the restaurant?

8 A. Okay. Can you repeat the

9 question again?

10 Q. When Shin was cursing and

11 yelling, was there anybody else cursing and

12 yelling?

13 A. He was cursing at every one.

14 Q. But was anybody cussing, yelling

15 back at him?

16 MR. MCCARTHY: Could I?

17 MS. BERKOWITZ: Sure.

18 MR. MCCARTHY: There was

19 yelling in the room. But you're

20 talking about yelling on the

21 stairs.

22 MS. BERKOWITZ: I'm just

23 talking about yelling on the

24 landing.

25 MR. MCCARTHY: Can you make

Page 43

1 Y. Lee

2 that clear?

3 MS. BERKOWITZ: Sure.

4 Q. The yelling on the landing --

5 A. No.

6 Q. -- besides for Shin, was anybody

7 else yelling or cursing on the landing?

8 A. No, there was none.

9 Q. Were there any employees from

10 the karaoke bar out on the landing before

11 Mr. Shin fell?

12 A. Yeah, there were a few employees

13 standing just a few feet away from where

14 Mr. Shin was standing.

15 Q. Were they in the karaoke bar or

16 were they on the landing?

17 A. They were in the hallway,

18 because the landing is visible from the

19 hallway.

20 Q. Karaoke bar hallway?

21 A. Yes.

22 Q. So I'll ask you again.

23 Were there any employees on the

24 landing right before Mr. Shin fell?

25 A. No.

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1 Y. Lee

2 Q. Was the door between the karaoke

3 bar and the landing closed?

4 A. The door was open. It was right

5 there.

6 Q. But it was open or closed?

7 A. It was open.

8 MR. MCCARTHY: That's the

9 door to the karaoke room?

10 MS. BERKOWITZ: Yeah.

11 Q. Did the police do any

12 breathalyzer or any other type of testing on

13 you?

14 A. No, not to my knowledge.

15 Q. You told us earlier that

16 Mr. Shin ordered the second bottle of,

17 correct?

18 A. From what I know, yes.

19 Q. So did the same server bring the

20 second bottle that brought in the first

21 bottle?

22 A. That I don't recall who brought

23 the second bottle.

24 Q. Whoever brought in the second

25 bottle, did they do the same thing where they



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1 Y. Lee  
 2 placed it down on the table and they just  
 3 left?  
 4 A. Yes.  
 5 Q. Did Mr. Shin ever pour you any  
 6 drinks?  
 7 A. I cannot recall.  
 8 Q. Do you know why Mr. Shin was  
 9 giving you the finger?  
 10 A. I do not know.  
 11 MS. BERKOWITZ: That's all I  
 12 have right now.  
 13 THE WITNESS: Thank you.  
 14 EXAMINATION BY MS. NICOLAOU:  
 15 Q. Good afternoon. So My name is  
 16 Carmen Nicolaou. I'm just going to be asking  
 17 you a few questions. I'll try not to repeat  
 18 myself. The same rules apply. I understand  
 19 you understand and speak English, but you're  
 20 more comfortable in your native language; is  
 21 that correct?  
 22 A. Yes.  
 23 Q. And throughout this deposition  
 24 you kind of been answering English off and on.  
 25 Please, I'm going to ask you to keep it in

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1 Y. Lee  
 2 Korean. That's why we have the translator  
 3 here for you. Okay?  
 4 A. Yes. I understand. I'm sorry.  
 5 Q. Is it Mr. Hong or Hang? Can you  
 6 spell that?  
 7 A. H-O-N-G.  
 8 Q. Mr. Hong, who is he to you; a  
 9 friend, business partner or something else?  
 10 A. Friend.  
 11 Q. How long have you known him?  
 12 A. About 30 years.  
 13 Q. Do you have a business  
 14 relationship with him as well?  
 15 A. No.  
 16 Q. What about Mr. Park, do you have  
 17 a business relationship with him as well?  
 18 A. No.  
 19 Q. Was it the first time that you  
 20 met Mr. Park was on the date of Mr. Shin's  
 21 fall?  
 22 A. From my recollection, yes.  
 23 Q. Was this your first time at the  
 24 this particular karaoke bar?  
 25 A. No. From my recollection I was

Page 47

1 Y. Lee  
 2 there a year before.  
 3 Q. Were you there as a guest or a  
 4 member?  
 5 MR. MCCARTHY: At what  
 6 point?  
 7 MS. NICOLAOU: The year  
 8 before.  
 9 A. Yeah, somebody was buying me a  
 10 drink.  
 11 Q. Do you recall who that person  
 12 was?  
 13 A. No.  
 14 Q. And the evening of Mr. Shin's  
 15 fall down the stairs, were you at the karaoke  
 16 bar as a guest of a member?  
 17 A. Yes, Mr. Hong said he was going  
 18 to buy us drinks, so I went along with him.  
 19 Q. How long were you at the karaoke  
 20 bar?  
 21 MR. MCCARTHY: This is the  
 22 date of the incident?  
 23 MS. NICOLAOU: I wasn't  
 24 asking...  
 25 Q. How long were you at the karaoke

Page 48

1 Y. Lee  
 2 bar the evening of Mr. Shin's accident?  
 3 A. Thirty to forty minutes.  
 4 Q. Let me reask the question.  
 5 You arrived to the karaoke bar  
 6 what time?  
 7 A. A little after nine.  
 8 Q. What time did Mr. Shin's  
 9 accident occur?  
 10 A. I don't have the accurate time,  
 11 but I think it was after ten. Ten or 11. I  
 12 don't know.  
 13 Q. So your recollection is that  
 14 from the time that you arrived to the karaoke  
 15 bar up until the time of Mr. Shin's accident,  
 16 approximately, give or take, one and a half to  
 17 two hours had passed?  
 18 A. From my recollection  
 19 approximately, yeah.  
 20 Q. When Mr. Shin first entered your  
 21 room, you had testified that I think earlier  
 22 that you appeared to be a little intoxicated;  
 23 is that correct?  
 24 A. Yes.  
 25 Q. I believe you also testified

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1 Y. Lee  
 2 that he finished off the first bottle of Blue  
 3 Walker; is that correct?  
 4 A. I didn't say he finished  
 5 completely the first bottle, but he drank a  
 6 lot.  
 7 Q. That's fine.  
 8 What precisely did you observe  
 9 him drink? Just Johnnie Walker or did you see  
 10 him mix any other alcoholic beverages with it  
 11 or something else?  
 12 A. On our table there was only  
 13 Johnnie Walker Blue.  
 14 Q. Was there any beer?  
 15 A. No.  
 16 Q. Approximately how many glasses  
 17 of Johnnie walker did Mr. Shin have when the  
 18 first bottle was still on the table?  
 19 A. I really can't count. I don't  
 20 know, but he drank a lot.  
 21 Q. Did he appear more intoxicated  
 22 while he was in your room?  
 23 A. Yes.  
 24 Q. As he was becoming more  
 25 intoxicated, was he louder? Was he funnier?

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1 Y. Lee  
 2 How was his personality?  
 3 A. He was rough.  
 4 Q. He was getting angry?  
 5 A. Yes, he appeared to be angry and  
 6 he was heavily intoxicated.  
 7 Q. Did you observe this before you  
 8 left for the restroom?  
 9 A. Yes.  
 10 Q. Did you observe this before the  
 11 second bottle of Johnnie Walker was ordered?  
 12 A. Yes.  
 13 Q. I understand that it was  
 14 Mr. Shin that ordered the second bottle of  
 15 Johnnie Walker; is that correct?  
 16 A. From what I know, yes.  
 17 Q. Did you hear Mr. Shin ask a  
 18 waiter to bring another bottle of Johnnie  
 19 Walker?  
 20 A. No.  
 21 Q. How is it that you know that  
 22 Mr. Shin ordered a second bottle?  
 23 A. When I asked, I think I heard  
 24 that the bottle was brought in, because  
 25 Mr. Shin ordered it.

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1 Y. Lee  
 2 Q. And the second bottle is ordered  
 3 before you left to use the restroom; is that  
 4 correct?  
 5 A. Probably. Yes.  
 6 Q. How much time passed from when  
 7 the second bottle was brought into the room up  
 8 until the time you left to use the restroom?  
 9 A. Okay. I don't understand what  
 10 you mean.  
 11 Q. From the time that the second  
 12 bottle of Johnnie Walker was delivered to the  
 13 room, how much time had passed until you went  
 14 to use the restroom?  
 15 A. Okay. Your question is unclear.  
 16 Confusing. I went to the bathroom after  
 17 Mr. Shin left the room.  
 18 Q. Oh, I'm sorry. I apologize.  
 19 Okay. So how much time passed  
 20 from the point the second bottle was delivered  
 21 up until the time Mr. Shin left the room?  
 22 A. From my recollection, about 20  
 23 to 30 minutes.  
 24 Q. In that 20 to 30 minutes, do you  
 25 recall how many drinks Mr. Shin had from the

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1 Y. Lee  
 2 second bottle of Johnnie Walker Blue?  
 3 A. Okay. I don't know how many  
 4 glasses, because he took the entire bottle in  
 5 his hand and just poured it down from the  
 6 bottle. So I don't know how many glasses.  
 7 Q. Did you observe him drinking  
 8 from the first bottle in a similar fashion?  
 9 A. For the first bottle he drank it  
 10 from the cups, a few shots. And then after  
 11 that he just drank off the bottle, the first  
 12 bottle.  
 13 Q. So he drank in a similar fashion  
 14 with the first and second bottle directly from  
 15 the bottle?  
 16 A. From my observation, yes.  
 17 Q. Did anyone in that room have any  
 18 alcohol from the second bottle other than  
 19 Mr. Shin?  
 20 A. From my recollection no other  
 21 people drank, because Mr. Shin was being very  
 22 rowdy.  
 23 Q. Was Mr. Park awake during the  
 24 entire time that you were in the room with him  
 25 and Mr. Hong?



<p style="text-align: right;">Page 53</p> <p>1 Y. Lee</p> <p>2 A. Yes.</p> <p>3 Q. What about Mr. Hong --</p> <p>4 A. Mr. Hong was -- who are you</p> <p>5 asking?</p> <p>6 Q. Mr. Park.</p> <p>7 A. Yeah, he was awake. Mr. Park,</p> <p>8 he had a few drinks himself, but in my</p> <p>9 recollection he was awake.</p> <p>10 Q. Other than Mr. Shin appearing to</p> <p>11 be intoxicated, did Mr. Park appear being</p> <p>12 intoxicated?</p> <p>13 A. No.</p> <p>14 Q. What about Mr. Hong?</p> <p>15 A. No.</p> <p>16 Q. Then at one point Mr. Shin left</p> <p>17 the room. At that point you left the room to</p> <p>18 use the bathroom; is that correct?</p> <p>19 A. Yes, that is correct.</p> <p>20 Q. Did you return back to the room</p> <p>21 after you used the restroom?</p> <p>22 A. After I used the restroom and</p> <p>23 after I came out of the restroom, Mr. Shin was</p> <p>24 yelling and cursing. And then that's how the</p> <p>25 incident unfolded.</p>	<p style="text-align: right;">Page 55</p> <p>1 Y. Lee</p> <p>2 was speaking profanities, cruel words.</p> <p>3 Q. What was he saying precisely?</p> <p>4 A. He threw F bombs. Anything like</p> <p>5 curse words.</p> <p>6 Q. Was he directing that to anyone</p> <p>7 in particular?</p> <p>8 A. He was and then he start, you</p> <p>9 know, his yelling was directed at me.</p> <p>10 Q. Who was he directing the cursing</p> <p>11 initially to?</p> <p>12 A. That I don't know.</p> <p>13 Q. Did you approach Mr. Shin at any</p> <p>14 time after you left the restroom before his</p> <p>15 accident about his language or his demeanor?</p> <p>16 MR. MCCARTHY: Objection to</p> <p>17 form, but if you understand it.</p> <p>18 A. It's a short distance from the</p> <p>19 bathroom to the door and to the landing. And</p> <p>20 Mr. Shin was yelling and cursing, as was shown</p> <p>21 in the video.</p> <p>22 Q. Why did you approach Mr. Shin?</p> <p>23 MR. MCCARTHY: Objection to</p> <p>24 form.</p> <p>25 A. From my recollection, he was</p>
<p style="text-align: right;">Page 54</p> <p>1 Y. Lee</p> <p>2 Q. So you didn't make it back into</p> <p>3 the room; is that correct?</p> <p>4 MR. MCCARTHY: Before.</p> <p>5 Q. After you used the restroom, you</p> <p>6 didn't make it back into the room before</p> <p>7 Mr. Shin's accident?</p> <p>8 A. Yes (English).</p> <p>9 Q. Mr. Lee please speak only in</p> <p>10 Korean. Okay.</p> <p>11 MS. NICOLAOU: I'm talking</p> <p>12 to your daughter. You cannot make</p> <p>13 any expressions. You cannot talk.</p> <p>14 You cannot gesture.</p> <p>15 (The record is read back by</p> <p>16 the reporter.)</p> <p>17 A. Yes, that is correct.</p> <p>18 Q. And that is because you heard</p> <p>19 Mr. Shin yelling?</p> <p>20 A. Yes.</p> <p>21 Q. Was he yelling in English, in</p> <p>22 Korean or some other language?</p> <p>23 A. In Korean.</p> <p>24 Q. What was he saying?</p> <p>25 A. He was saying profanities. He</p>	<p style="text-align: right;">Page 56</p> <p>1 Y. Lee</p> <p>2 cursing at me.</p> <p>3 Q. So he started cursing at you</p> <p>4 when he saw you?</p> <p>5 A. Yes.</p> <p>6 Q. At that point you approached</p> <p>7 him?</p> <p>8 A. From my recollection, because he</p> <p>9 was cursing and yelling, I approached him out</p> <p>10 of curiosity not with the intention to fight,</p> <p>11 but rather out of curiosity.</p> <p>12 Q. What was he saying to you when</p> <p>13 he saw you?</p> <p>14 A. Profanities and he stuck his</p> <p>15 finger up and he was cursing.</p> <p>16 Q. During that time, did Mr. Shin</p> <p>17 appear to you to be intoxicated?</p> <p>18 A. Yes, he was heavily intoxicated.</p> <p>19 Q. Was he stable on his feet?</p> <p>20 A. No, he was unstable. I was able</p> <p>21 to see he was unstable on his feet.</p> <p>22 Q. I know we saw this video. Just</p> <p>23 bear with me. Exhibit 1 marked on March 15th.</p> <p>24 2019.</p> <p>25 Now, sir, there's four</p>

<p style="text-align: right;">Page 57</p> <p>1 Y. Lee</p> <p>2 individuals in this video at 14 seconds into</p> <p>3 the footage, which is two minutes and</p> <p>4 22 seconds long; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. There's a gentleman with his</p> <p>7 back to the video that is in a green shirt.</p> <p>8 Is that you, sir?</p> <p>9 A. Yes.</p> <p>10 Q. And then there's three gentlemen</p> <p>11 directly in front of you all wearing glasses;</p> <p>12 is that right?</p> <p>13 A. Yes.</p> <p>14 Q. If we're looking at the video</p> <p>15 footage, the first gentleman to the left</p> <p>16 wearing glasses that has an arm around his</p> <p>17 shoulder, is that the owner of the restaurant</p> <p>18 in the building?</p> <p>19 A. Yes.</p> <p>20 Q. The gentleman immediately in the</p> <p>21 middle of the three, is that Mr. Shin?</p> <p>22 A. Yes.</p> <p>23 Q. The gentleman immediately to his</p> <p>24 right, is that his employee to your knowledge?</p> <p>25 A. Yes, that is correct.</p>	<p style="text-align: right;">Page 59</p> <p>1 Y. Lee</p> <p>2 A. I don't recall, but it seems</p> <p>3 that way.</p> <p>4 Q. And then Mr. Shin turns around</p> <p>5 and looks at you, right?</p> <p>6 A. Yeah, I think he was pushing me</p> <p>7 at the time.</p> <p>8 Q. He was pushing you away. Do you</p> <p>9 recall what you guys were discussing on the</p> <p>10 top of the stairs, you and who we now know to</p> <p>11 be Mr. Chung Lee, Mr. Shin looks like?</p> <p>12 A. Now that person recognize me.</p> <p>13 Q. Which person, sir? This person</p> <p>14 (indicating)?</p> <p>15 A. (Indicating).</p> <p>16 MS. NICOLAOU: For the</p> <p>17 record Chung Lee.</p> <p>18 Q. Go ahead.</p> <p>19 A. And I also recognized him, so we</p> <p>20 shook hands.</p> <p>21 Q. You were saying hello?</p> <p>22 A. Yes.</p> <p>23 Q. Was that the first time that you</p> <p>24 saw Mr. Chung Lee that evening?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 58</p> <p>1 Y. Lee</p> <p>2 Q. Now, I moved it back about one</p> <p>3 second. 12 seconds into the video.</p> <p>4 You see Mr. Shin about to give</p> <p>5 Mr. Lee, who is another Lee, not you, the</p> <p>6 other Lee, the owner of the restaurant</p> <p>7 downstairs stays.</p> <p>8 A. It's Chung K. Lee.</p> <p>9 Q. Chung K. Lee gives him a kiss;</p> <p>10 is that right? When you press play, he gives</p> <p>11 him a kiss?</p> <p>12 MR. MCCARTHY: Looks like</p> <p>13 Mr. Lee is --</p> <p>14 Q. Mr. Chung Lee is giving Mr. Shin</p> <p>15 a kiss; is that right?</p> <p>16 A. I don't know if it's a kiss, but</p> <p>17 it appears to be that way.</p> <p>18 MS. BERKOWITZ: Bear hug.</p> <p>19 THE WITNESS: Yeah, a bear</p> <p>20 hug.</p> <p>21 Q. So, Mr. Lee, do you see your</p> <p>22 hand on Mr. Shin's back?</p> <p>23 A. Yeah.</p> <p>24 Q. At that point you grab his</p> <p>25 jacket; is that right? Is that right, sir?</p>	<p style="text-align: right;">Page 60</p> <p>1 Y. Lee</p> <p>2 Q. At that point, Mr. Shin, is he</p> <p>3 leaning up against the wall on top of the</p> <p>4 stairs?</p> <p>5 A. Yeah (English).</p> <p>6 Q. Was he unstable to your</p> <p>7 recollection? Not necessarily what's shown in</p> <p>8 the video, but to your recollection was</p> <p>9 Mr. Shin unstable on his feet?</p> <p>10 MR. MCCARTHY: Asked and</p> <p>11 answered, but I'll allow him to</p> <p>12 answer.</p> <p>13 A. Yeah, one foot was in the air.</p> <p>14 So he was rather in the precarious position to</p> <p>15 my knowledge.</p> <p>16 Q. To your knowledge, from your</p> <p>17 recollection that evening, while you were on</p> <p>18 top of the stairs, was Mr. Shin, when he was</p> <p>19 leaning up against the wall, using it more as</p> <p>20 a support?</p> <p>21 A. Yes.</p> <p>22 Q. To hold himself up?</p> <p>23 A. Yes, appeared to be that way.</p> <p>24 Q. I'm stopping at one minute and</p> <p>25 42 seconds into the video.</p>

<p style="text-align: right;">Page 61</p> <p>1 Y. Lee</p> <p>2 Now, at this point Mr. Shin is</p> <p>3 holding up his middle finger at you; is that</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. Do you know why?</p> <p>7 A. I don't know.</p> <p>8 Q. Was it because he was being loud</p> <p>9 and drunk?</p> <p>10 A. Well, the Mr. Shin that I saw on</p> <p>11 that evening, you know, he appeared that he</p> <p>12 would behave in the same way to anybody.</p> <p>13 Q. Whether he was drunk or sober?</p> <p>14 A. Whether he was drunk.</p> <p>15 MR. MCCARTHY: Objection to</p> <p>16 form.</p> <p>17 Q. Do you recall why he raised his</p> <p>18 middle finger at you at that point?</p> <p>19 MR. MCCARTHY: It's been</p> <p>20 asked and answered.</p> <p>21 A. I don't know.</p> <p>22 MS. NICOLAOU: We're a</p> <p>23 minute and 48 seconds into the</p> <p>24 video.</p> <p>25 Q. Is Mr. Shin's middle finger</p>	<p style="text-align: right;">Page 63</p> <p>1 Y. Lee</p> <p>2 correct?</p> <p>3 A. Yeah.</p> <p>4 MS. NICOLAOU: 1, 53 into</p> <p>5 the video.</p> <p>6 Q. At that point Mr. Lee who</p> <p>7 removed Mr. Chung Lee's hands from your face;</p> <p>8 is that correct [sic]?</p> <p>9 A. Yes.</p> <p>10 Q. Is it because you were getting</p> <p>11 upset?</p> <p>12 A. No, I don't think so.</p> <p>13 Q. Why did you remove his hands</p> <p>14 from your face?</p> <p>15 A. Aren't you supposed to remove</p> <p>16 hands when a stranger placed his hands on your</p> <p>17 face?</p> <p>18 Q. Did Mr. Chung Lee, the owner of</p> <p>19 the restaurant downstairs, did he appear to be</p> <p>20 intoxicated?</p> <p>21 A. I think so, because he was also</p> <p>22 drinking in another room.</p> <p>23 Q. How do you know he was drinking</p> <p>24 in another room?</p> <p>25 A. Okay. I was told that he came</p>
<p style="text-align: right;">Page 62</p> <p>1 Y. Lee</p> <p>2 still at you? Yes? You have to answer the</p> <p>3 question, sir?</p> <p>4 A. Yeah.</p> <p>5 MS. NICOLAOU: At this point</p> <p>6 we're at one minute and 51 seconds</p> <p>7 into the video.</p> <p>8 Q. Mr. Chung Lee puts his hands on</p> <p>9 your face.</p> <p>10 Do you recall him doing that</p> <p>11 that evening?</p> <p>12 A. Yes.</p> <p>13 Q. Do you recall what Mr. Chung Lee</p> <p>14 was saying to you?</p> <p>15 A. Okay. I don't recall, but he</p> <p>16 would just holding me and keeping me from --</p> <p>17 he was trying to, you know --</p> <p>18 Q. Kind of diffuse the situation?</p> <p>19 A. Diffuse the situation. Try to</p> <p>20 calm me down.</p> <p>21 Q. Were you getting upset?</p> <p>22 A. I was upset, but I wasn't really</p> <p>23 enraged.</p> <p>24 Q. At that point you removed</p> <p>25 the other Lee's hands from your face; is that</p>	<p style="text-align: right;">Page 64</p> <p>1 Y. Lee</p> <p>2 with Mr. Shin.</p> <p>3 Q. At the time when you were</p> <p>4 standing on top of the staircase with</p> <p>5 Mr. Shin, his employee and Mr. Chung Lee, did</p> <p>6 Mr. Chung Lee appear to be intoxicated?</p> <p>7 MR. MCCARTHY: Asked and</p> <p>8 answered, but I'll allow him to</p> <p>9 answer again.</p> <p>10 A. That I don't know.</p> <p>11 MS. NICOLAOU: Going one</p> <p>12 minute and 55 seconds into the</p> <p>13 video.</p> <p>14 Q. After you push his hands away,</p> <p>15 Mr. Chung's Lee hands away from your face,</p> <p>16 about one minute and 55 seconds into the</p> <p>17 video, Mr. Chung Lee puts his hands back on</p> <p>18 your face; is that correct?</p> <p>19 A. Yes, seems that way, yes.</p> <p>20 Q. Then you push him away again; is</p> <p>21 that correct?</p> <p>22 A. Yes. At that time I think I</p> <p>23 was a little angry, because three people</p> <p>24 behaving in such a way I think I was angry,</p> <p>25 getting angry at the time.</p>

<p style="text-align: right;">Page 65</p> <p>1 Y. Lee</p> <p>2 MR. MCCARTHY: Could you</p> <p>3 tell him just answer the question.</p> <p>4 Tell him that.</p> <p>5 Q. At one minute and 57 seconds</p> <p>6 into the video, Mr. Shin's middle finger is</p> <p>7 still up in the air; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. One minute and 59 seconds into</p> <p>10 the video, Mr. Chung Lee puts his hands on</p> <p>11 your face a third time; is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know what he was saying</p> <p>14 to you, Mr. Chung Lee, during this time?</p> <p>15 A. From my recollection he wasn't</p> <p>16 saying any words. He would just be putting</p> <p>17 his hands -- but he wasn't saying any words</p> <p>18 from my recollection.</p> <p>19 Q. Two minutes and one second into</p> <p>20 the video, is Mr. Chung Lee holding your left</p> <p>21 hand back?</p> <p>22 A. No, I don't recall.</p> <p>23 Q. I'm just asking with the video.</p> <p>24 Not necessarily -- let me rewind it.</p> <p>25 At this point, two minutes into</p>	<p style="text-align: right;">Page 67</p> <p>1 Y. Lee</p> <p>2 left hand and he's, for the fourth time,</p> <p>3 putting his left hand this time on your face;</p> <p>4 is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Is Mr. Shin, in this video, two</p> <p>7 minutes and one second, still holding up his</p> <p>8 middle finger?</p> <p>9 A. Yes.</p> <p>10 Q. At two minutes and four seconds,</p> <p>11 is Mr. Chung Lee holding your hands down in</p> <p>12 this video?</p> <p>13 MR. MCCARTHY: Objection to</p> <p>14 form.</p> <p>15 Q. Do you want me to remind it?</p> <p>16 MS. NICOLAOU: Ask him if he</p> <p>17 wants me to rewind it.</p> <p>18 A. No, because I don't know --</p> <p>19 because my face, I don't know if I was angry.</p> <p>20 Q. I'm not asking if you were</p> <p>21 angry. I'll rewind it a little bit back to</p> <p>22 two minutes and two seconds into the video.</p> <p>23 In this video Mr. Shin is still</p> <p>24 holding up his middle finger, correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 66</p> <p>1 Y. Lee</p> <p>2 the video, you see Mr. Chung Lee's left hand</p> <p>3 on your left arm; is that correct?</p> <p>4 MR. MCCARTHY: What is that?</p> <p>5 MS. NICOLAOU: Two minutes.</p> <p>6 A. Yes.</p> <p>7 Q. And you see Mr. Chung Lee's</p> <p>8 right hand at that point holding your -- I'm</p> <p>9 sorry.</p> <p>10 Let me get my left and rights --</p> <p>11 let me start over.</p> <p>12 Mr. Chung Lee's left hand is</p> <p>13 holding your right arm above your elbow at two</p> <p>14 minutes into the video; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. At that point is he holding you</p> <p>17 up against the wall?</p> <p>18 A. Yes, appears to be that way.</p> <p>19 Q. Mr. Chung Lee's right hand is</p> <p>20 holding your left hand up against the wall; is</p> <p>21 that correct?</p> <p>22 A. Appears to be that way.</p> <p>23 Q. At that point, and I'm looking</p> <p>24 at two minutes and one second into the video,</p> <p>25 Mr. Chung's Lee's right hand is holding your</p>	<p style="text-align: right;">Page 68</p> <p>1 Y. Lee</p> <p>2 Q. Is it fair to say that Mr. Chung</p> <p>3 Lee is at this point holding, at least with</p> <p>4 his left hand, your right wrist down; is that</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. And two minutes and four seconds</p> <p>8 into the video, Mr. Chung Lee, with his right</p> <p>9 hand is holding your left wrist down; is that</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. And you're still up against the</p> <p>13 wall at this point; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Now two minutes and five seconds</p> <p>16 into the video, Mr. Shin is still holding up</p> <p>17 his middle finger?</p> <p>18 A. Yes.</p> <p>19 Q. And based on this video, do we</p> <p>20 have a clear view of how Mr. Shin is standing?</p> <p>21 A. Yes.</p> <p>22 Q. So is it fair to say that</p> <p>23 Mr. Shin is leaning up against the wall?</p> <p>24 A. Yes.</p> <p>25 Q. With his right foot on the first</p>

<p style="text-align: right;">Page 69</p> <p>1 Y. Lee</p> <p>2 step?</p> <p>3 A. Yes.</p> <p>4 Q. And his left foot on the</p> <p>5 landing?</p> <p>6 A. Yes.</p> <p>7 Q. Two minutes and 12 seconds into</p> <p>8 the video, is Mr. Shin still holding up his</p> <p>9 middle finger?</p> <p>10 A. Yeah.</p> <p>11 Q. Are you starting to hold up your</p> <p>12 middle finger at this point?</p> <p>13 A. Yes.</p> <p>14 Q. Would it be fair to say that you</p> <p>15 were getting more upset over the situation?</p> <p>16 A. You could say that.</p> <p>17 Q. Now I'm going to hit play at two</p> <p>18 minutes and 15 seconds into the video, okay.</p> <p>19 Goes by really fast. Ready?</p> <p>20 (Playing video.)</p> <p>21 Q. Based on this footage, Mr. Lee,</p> <p>22 did you kick Mr. Shin?</p> <p>23 A. I didn't kick Mr. Shin</p> <p>24 (English).</p> <p>25 Q. Could you please answer in</p>	<p style="text-align: right;">Page 71</p> <p>1 Y. Lee</p> <p>2 A. Yes.</p> <p>3 Q. Were you subsequently charged?</p> <p>4 MR. MCCARTHY: It's yes or</p> <p>5 no.</p> <p>6 Q. Yes or no, Mr. Lee, were you</p> <p>7 charged after your arrest that evening; yes or</p> <p>8 no?</p> <p>9 MS. NICOLAOU: Translate</p> <p>10 what he just said.</p> <p>11 A. I don't know if I was charged</p> <p>12 with anything.</p> <p>13 Q. Did you plead guilty to anything</p> <p>14 as a result of your arrest in connection with</p> <p>15 Mr. Shin's fall down the staircase?</p> <p>16 THE INTERPRETER: Can I ask</p> <p>17 him to repeat again?</p> <p>18 MS. NICOLAOU: Of course.</p> <p>19 A. I don't know if I was charged</p> <p>20 with harassment, but I paid \$60 or \$90. So I</p> <p>21 don't know if I was charged.</p> <p>22 Q. Did you plead guilty to a</p> <p>23 charge?</p> <p>24 A. I accepted the fact to the</p> <p>25 harassment charge.</p>
<p style="text-align: right;">Page 70</p> <p>1 Y. Lee</p> <p>2 Korean.</p> <p>3 A. No, I did not kick him.</p> <p>4 Q. After Mr. Shin fell down the</p> <p>5 stairs, did you go down to check on him?</p> <p>6 A. No, I did not.</p> <p>7 Q. Did you go back to your room?</p> <p>8 A. Yes (English).</p> <p>9 Q. Why did you go back to your</p> <p>10 room?</p> <p>11 A. Because I didn't think much of</p> <p>12 it. I just thought he would just get up and</p> <p>13 walk away.</p> <p>14 Q. Do you believe, Mr. Lee, that</p> <p>15 Mr. Shin's accident was a direct result of his</p> <p>16 intoxication?</p> <p>17 A. Yes, I think so.</p> <p>18 Q. That's because he wasn't stable</p> <p>19 on his feet?</p> <p>20 A. I think so.</p> <p>21 Q. Is it also because he was using</p> <p>22 the wall to hold himself up?</p> <p>23 A. Yes.</p> <p>24 Q. Now, Mr. Lee, you were arrested</p> <p>25 that evening?</p>	<p style="text-align: right;">Page 72</p> <p>1 Y. Lee</p> <p>2 Q. Was there a fine in connection</p> <p>3 with you pleading guilty to harassment?</p> <p>4 A. I paid \$90. I don't know if</p> <p>5 it's a fine, but I did pay \$90.</p> <p>6 Q. In addition to the \$90, were you</p> <p>7 placed on probation?</p> <p>8 A. No.</p> <p>9 Q. Were you instructed to take any</p> <p>10 form of classes as part of your harassment</p> <p>11 guilty plea?</p> <p>12 A. No, I did not.</p> <p>13 Q. Did you have an attorney</p> <p>14 representing you in connection with the arrest</p> <p>15 following Mr. Shin's accident?</p> <p>16 A. Yes.</p> <p>17 Q. And who was that attorney?</p> <p>18 (Witness hands card).</p> <p>19 THE INTERPRETER: Chan Woo</p> <p>20 Lee.</p> <p>21 Q. When did you plead guilty to the</p> <p>22 harassment? Just approximate.</p> <p>23 MR. MCCARTHY: Estimate.</p> <p>24 A. March 15, 2018.</p> <p>25 Q. Was that Queens County Criminal</p>

<p style="text-align: right;">Page 73</p> <p>1 Y. Lee</p> <p>2 Court?</p> <p>3 A. Yes.</p> <p>4 Q. Did you ever tell the police</p> <p>5 after your arrest that you kicked Mr. Shin?</p> <p>6 A. No.</p> <p>7 Q. Have you ever had any prior</p> <p>8 convictions?</p> <p>9 A. No.</p> <p>10 MS. NICOLAOU: Let's take a</p> <p>11 five minute break.</p> <p>12 (Whereupon, a short break</p> <p>13 was taken.)</p> <p>14 EXAMINATION BY MS. BERKOWITZ:</p> <p>15 Q. Did you ever tell anybody after</p> <p>16 that night that you kicked Mr. Shin?</p> <p>17 A. No, I did not.</p> <p>18 MS. BERKOWITZ: Thank you.</p> <p>19 (Time noted: 1:51 p.m.)</p> <p>20</p> <p>21 -----</p> <p>21 YOUNG KU LEE</p> <p>22 Subscribed and sworn to</p> <p>23 before me this day</p> <p>24 of , 2019</p> <p>25</p> <p>23 Notary Public</p>	<p style="text-align: right;">Page 75</p> <p>1 STATE OF NEW YORK )</p> <p>2 ) ss.:</p> <p>3 COUNTY OF NEW YORK )</p> <p>4</p> <p>5 C E R T I F I C A T E</p> <p>6 I, CHRISTINE CUTRONE, Shorthand</p> <p>7 Reporter and a Notary Public within and</p> <p>8 for the State of New York, do hereby</p> <p>9 state:</p> <p>10 That the witness whose examination is</p> <p>11 herein before set forth was duly sworn and</p> <p>12 that such an examination is a true record</p> <p>13 of the testimony given by such a witness.</p> <p>14 I further state that I am not related</p> <p>15 to any of these parties to this action by</p> <p>16 blood or marriage, and that I am not in</p> <p>17 any way interested in the outcome of this</p> <p>18 matter.</p> <p>19 IN WITNESS WHEREOF, I have hereunto</p> <p>20 set my hand this 25th day of April, 2019.</p> <p>21</p> <p>22</p> <p>23</p> <p>24 CHRISTINE CUTRONE</p> <p>25</p>
<p style="text-align: right;">Page 74</p> <p>1</p> <p>2 I N D E X</p> <p>3</p> <p>4 WITNESS EXAMINATIONS PAGE</p> <p>5</p> <p>6 MR. BASIL 4</p> <p>7 Young Ku Lee 4</p> <p>8 MS. BERKOWITZ 36</p> <p>9 MS. NICOLAOU 45</p> <p>10 MS. BERKOWITZ 73</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	



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